

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GEORGE IVAN LOPEZ, et al., : **CIVIL ACTION NO. 3:21-CV-1819**

Plaintiffs : **(Judge Conner)**

v. :

JOHN E. WETZEL, et al., :

Defendants :

ORDER

AND NOW, this 31st day of March, 2023, upon consideration of the report (Doc. 121) of Chief Magistrate Judge Karoline Mehalchick, recommending the court deny the *pro se* plaintiffs' motions (Docs. 63, 119) for appointment of counsel and for class certification, and the separate motions (Docs. 94, 105) of plaintiff George Ivan Lopez and Darien Houser for preliminary injunctive relief, and the court observing several plaintiffs have objected to the report insofar as it recommends denying the motion for appointment of counsel, but do not contest the remaining portions of the report, (see Docs. 126, 127), see also FED. R. CIV. P. 72(b)(2), and following *de novo* review of the contested portions of the report, see E.E.O.C. v. City of Long Branch, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)), and affording "reasoned consideration" to the uncontested portions, see id. (quoting Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987)), the court finding Judge Mehalchick's analysis to be well-reasoned and supported by the applicable law insofar as plaintiffs have not shown a need for appointment of counsel at this stage, and agreeing further with Judge Mehalchick that, to the extent plaintiffs seek appointment of counsel for the

purpose of requesting class certification, that request lacks merit and does not support appointment of counsel, and therefore concluding plaintiffs' objections are without merit, it is hereby ORDERED that:

1. Magistrate Judge Mehalchick's report (Doc. 121) is ADOPTED.
2. Plaintiffs' motions (Docs. 63, 119) for appointment of counsel are DENIED without prejudice.
3. The motions (Docs. 94, 105) for preliminary injunctive relief are DENIED.
4. The above-captioned action is REMANDED to Judge Mehalchick for all further pretrial proceedings including report and recommendation on dispositive motions.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania